

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
Tampa Division**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 8:03-CR-77-T-30-TBM</b>
	)	<b>The Honorable James S. Moody,</b>
<b>Jr.</b>		
<b>SAMI AMIN AL-ARIAN, <i>et al.</i></b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT SAMI AMIN AL-ARIAN'S THIRD  
PROPOSED SET OF JURY INSTRUCTIONS**

COMES now the Accused Dr. Sami Al-Arian, by undersigned counsel and requests that the following jury instructions be given during the Court's charge at the end of the trial in the case herein.

Dated: 27 September 2005

Respectfully submitted,

/s/Linda Moreno

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27<sup>th</sup> September 2005, a true and correct copy of the foregoing has been furnished, by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Kevin Beck, Assistant Federal Public Defender, M. Allison Guagliardo, Assistant Federal Public Defender, counsel for Hatim Fariz; Bruce Howie, Counsel for Ghassan Ballut, and to Stephen N. Bernstein, Counsel for Sameeh Hammoudeh.

/s/ Linda Moreno  
Linda Moreno  
Attorney for Sami Al-Arian

**I**

**DEFENDANT SAMI AMIN AL-ARIAN'S THIRD  
PROPOSED JURY INSTRUCTION NO. \_\_\_\_\_  
Statute of Limitations**

A statute of limitations is essentially a time bar that prevents prosecutions for crimes that were committed before a certain date. In criminal RICO actions, the rule generally is subject to a federal five-year statute of limitations. Therefore an indictment must be filed within five years of the date the crime is committed.

**AUTHORITIES:**

18 U.S.C. Sec. 3282.

See *Agency Holding Corp. v. Malley-Duff & Associates*, 483 U.S. 143, 156-157 (1987); *United States v. Butler*, 792 F.2d 1528 (11<sup>th</sup> Cir. 1986). *United States v. Torres-Lopez*, 851 F. 2d 520, 522 (1st Cir. 1988), *cert. denied*, 109 S. Ct. 1144 (1989).

ACCEPTED \_\_\_\_\_

REJECTED \_\_\_\_\_

MODIFIED \_\_\_\_\_

WITHDRAWN \_\_\_\_\_

**DEFENDANT SAMI AMIN AL-ARIAN'S THIRD  
PROPOSED JURY INSTRUCTION NO. \_\_\_\_\_  
Statute of Limitations**

You are instructed that the government must prove beyond a reasonable doubt that the defendant has committed a predicate act, that forms part of the pattern for which he is being prosecuted, within five years or less of the indictment. If that is not proven , then the defense of statute of limitations bars the prosecution for that particular crime.

**AUTHORITIES:**

18 U.S. C. Sec. 3282  
United States v. Darden, 70 F.3d 1507 (8<sup>th</sup> Cir. 1995)

ACCEPTED	_____
REJECTED	_____
MODIFIED	_____
WITHDRAWN	_____

**DEFENDANT SAMI AMIN AL-ARIAN'S THIRD  
PROPOSED JURY INSTRUCTION NO. \_\_\_\_\_**  
Statute of Limitations

Statutes of limitations are to be liberally interpreted in favor of repose. When doubt exists about the statute of limitations in a criminal case, the limitations period should be construed in favor of the defendant.

**AUTHORITIES:**

18 U.S. C. Sec. 3282  
United States v. Habig, 390 U.S. 222, 226-7 (1968).

ACCEPTED	_____
REJECTED	_____
MODIFIED	_____
WITHDRAWN	_____